IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.2731 OF 1995

Pune Municipal Transport
Swargate, Pune ... Petitioner

V/s.

Shri Mallesh Ranappa Kamble ... Respondent

Mr.R.G. Ketkar with Mr.R.M. Pethe for Petitioner
None for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 16, 2004**

SPEAKING TO THE MINUTES OF ORDER:

. Mr.Ketkar, learned Advocate for the Petitioner, seeks a clarification of the order dated August 31, 2004 as the respondent has sought payment of backwages under the impugned award of the Labour Court. Nobody appears for the Respondent, although the respondent has been informed that the matter would be moved for speaking to the Minutes of order dated August 31, 2004.

2. Heard Mr.Ketkar, appearing for the Petitioner.

3. It is clarified that the award of the Labour Court is set aside in view of the judgment in *Transport Manager v/s. Vilas Sanu Deokar,* **2002 (94) FLR 772.** The Petitioner had, without prejudice to their rights and

contentions, reinstated the respondent-workman in view of the representation made by him on 28.4.1999. While making the representation for reinstatement, the respondent had also undertaken not to claim wages as awarded by the Labour Court. It was in view of this undertaking and his subsequent reinstatement that the petition had become infructutous. In any event, in view of the judgment in *Transport Manager v/s. Vilas Sanu Deokar* (supra), the award is set aside. It is made clear that the respondent is not entitled to any wages under the award. The respondent is only entitled to reinstatement since the Petitioner had reinstated him, without prejudice to their rights and contentions, as Badli Rozandari Hangami worker in the year 1999. He has been regularised as a permanent employee w.e.f. 5.9.2001. The respondent is, therefore, not entitled to the backwages for the period of unemployment.